UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,110	06/22/2001	Jagadish Bandhole	VRT0074US	7964

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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/888,110	BANDHOLE ET AL.
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>11/2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Per Applicant's Request for Continued Examination
Claim 1 has been amended.

Claims 1-24 are pending.

Continued Examination Under 37 CFR 1.114

I.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection.   Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/2/2006 has been entered.

Response to Arguments

II.   Applicant's arguments with respect to claim 1 have been considered but are moot in view

of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

III.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

IV.   <u>Claims 1 - 4</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over *Butler* (USPN 7,136,062) in view of *Nanja* (US 7,065,637).

a.   **Per claim 1,** *Butler* teaches a method for collaborative computing in a system the method comprising:

- allocating a dynamic computing environment using a first user interface, wherein the dynamic computing environment comprises at least one resource of a plurality of resources, and the dynamic computing environment is allocated by virtue of allocating the at least one resource (*Abstract, col.4 line 28-col.5 line 6, col.6 lines 34-47, col.11 lines 27-43 and 55-64, col.13 lines 36-43, col.15 lines 46-50, col.21 lines 32-61, col.22 lines 32-39, col.23 line 64-col.24 line 65—provision for dynamic allocation of memory and applications using a user interface*);

- sharing the at least one resource between the first user interface and the second user interface (*col.5 line 32-col.6 line 2, col.9 lines 51-63, col.10 line 45-col.11 line 64—provision for resource sharing between user interfaces from the host to the members*);

- executing an application on the at least one resource using either the first user interface or the second user interface (*col.1 lines 9-14, col.4 line 28-col.5 line 6, col.5 lines 39-57, col.10 lines 24-29, col.11 lines 28-43, col.17 lines 39-54—provision for application-sharing with the allocated memory of each member/participant*);

- transferring information generated by execution of the application to the first user interface (*col.5 line 66-col.6 line 47, col.11 lines 14-44, col.18 line 4-col.19 line 37, col.20 lines 32-50*); and

- transferring the information generated by execution of the application to the second user interface in response to a command to collaborate with the second user interface, wherein the first user interface and the second user interface are at least in part provided by software executing on respective first and second devices separate from the dynamic computing environment (*col.1 lines 9-14, col.4 line 28-col.5 line 6, col.5 lines 39-57, col.10 lines 24-29, col.14 line 42-col.15 line 50, col.17 lines 8-66, col.19 line 17-col.20 line 58—provision for transferring shared application to the members of respective interfaces for collaboration at their individual respective devices*).

Although *Butler* teaches dynamically allocating resources and sharing the resources with the users of the conferencing and collaboration network environment and the functionality of the claimed dynamic computing environment as supported in Applicant's specification (*Abstract, col.6 lines 34-47, col.9 lines 21-24, col.23 line 64-col.24 line 65*), *Butler* fails to expressly disclose a dynamic computing environment. However, *Nanja* does disclose a dynamic computing environment using allocateable resources through a user interface (*Abstract, col.2 line 66-col.3 line 18, col.4 lines 43-57, col.6 lines 57-64, col.7 lines 36-41*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Butler* with *Nanja* for the purpose of provisioning the ability to dynamically allocate and reallocate resources to user's in a collaborative environment via user interfaces.

b.   **Per claim 2,** *Butler* with *Nanja* teach the method of claim 1, further comprising modifying the information in the first user interface by interacting with the at least one shared resource through the first user interface (*Butler: col.4 line 57-col.5 line 65, col.21 lines 12-48, col.24 lines 55-65, col.4 line 61-col.5 line 55, col.11 lines 29-34; Nanja: col.3 lines 9-18 and 25-43, col.4 lines 43-62, col.6 lines 8-64*).

c.   **Per claim 3,** *Butler* with *Nanja* teach the method of claim 1, *Butler* further teaches the method further comprising modifying the information in the second user interface by interacting with the at least one shared resource through the second user interface (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

d.   **Per claim 4,** *Butler* with *Nanja* teach the method of claim 1, *Butler* further teaches the method further comprising switching control to modify the information between the first and second user interface (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

V.   Claims 5-14 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Butler* (US 7,136,062) in view of *Nanja* (US 7,065,637) in further view of *McNally et al* (US 6,259,448).

a.   **Per claim 5,** *Butler* teaches a method for providing sharing of a software process among multiple users, the method comprising:

- allocating a distributed computing environment by virtue of allocating a first user computer and a second user computer (*Abstract, col.7 lines 58-63, col.10 line 59-col.11 line 55, col.23 line 64-col.24 line 65—provision for allocating a distributed computing environment using host, remote and viewer devices*);

- using a resource computer to transmit information about execution of the process to the first user computer, wherein the resource computer executes the process in a first location, and a first user operates the first user computer in a second location (*col.15 lines 43-50, col.18 lines 38-40, col.19 lines 29-col.20 line 40, col.21 lines 32-col.22 line 55*); and

- using the resource computer to transmit information about the execution of the process to the second user computer, wherein a second user operates the second user computer in a third location, and the first user computer and the second user computer comprise the distributed computing environment (*col.4 line 28-col.5 line .6, col.5 line 32-col.6 line 2, col.9 lines 51-63, col.10 line 59-col.11 line 55, col.17 lines 8-66, col.23 line 64-col.24 line 65, col.19 lines 29-col.20 line 43*).

Although Butler does teach the provision for users and even third parties to control a host and resources (*col.11 lines 44-53, col.20 lines 32-50*), *Nanja* explicitly teaches that customers may operate distributed/dynamic computing environment from anywhere in the world,

wherein the computers are resources and comprise the distributed computing environment (*col.4 lines 15-67*). *McNally et al* further teaches the implementation of a distributed computing environment comprising a given set of machines providing and acting as allocateable resources wherein the distributed computing environment is deployed form a user interface (*col.2 lines 1-65*).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Butler* and *Nanja* with *McNally et al* for the purpose of provisioning initiating and deploying a distributed computing environment from different locations using a user interface to a allocate, deallocate resources and transmit control information to the devices of the distributed computing environment.

b.   **Claim 18** contains limitations that are substantially similar to claims 1 and 5; and is therefore rejected under the same basis.

c.   **Per claim 6,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, further comprising controlling the resource computer with the first user computer (*col.4 line 57-col.5 line 65, col.21 lines 12-48, col.24 lines 55-65, col.4 line 61-col.5 line 55, col.11 lines 29-34; Nanja: col.3 lines 9-18 and 25-43, col.4 lines 43-62, col.6 lines 8-64; McNally et al: col.2 lines 30-40*).

d.   **Per claim 7,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, *Butler* further teaches the method further comprising controlling the resource computer with the second user computer (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

e.   **Per claim 8,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, *Butler* further teaches the method further comprising switching control of the resource computer between the first and second user computers (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

f.   **Claim 11** is substantially equivalent to claim 8 and is therefore rejected under the same basis.

g.   **Per claim 9,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, further comprising modifying the information using the first user computer (*Butler: col.4 line 57-col.5 line 65, col.21 lines 12-48, col.24 lines 55-65, col.4 line 61-col.5 line 55, col.11 lines 29-34; Nanja: col.3 lines 9-18 and 25-43, col.4 lines 43-62, col.6 lines 8-64*).

h.   **Per claim 10,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, *Butler* further teaches the method further comprising modifying the information using the second user computer (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

i.   **Per claim 12,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, *McNally et al* further teaches wherein the shared software process is an operating system (*col.6 lines 9-11*).

j.   **Per claim 13,** *Butler* and *Nanja* with *McNally et al* teach the method of claim 5, *Butler* further teaches wherein the shared software process is a user interface controller (*col.5 lines 56-67, col.4 line 61-col.5 line 55, col.11 lines 29-34 and 54-64, col.20 lines 20-61, col.23 lines 64-col.24 line 21*).

k.   **Claim 14** is substantially similar to claim 13 and is therefore rejected under the same basis.

l.   **Per claim 19,** *Butler* and *Nanja* with *McNally et al* teach the system of claim 18, wherein the dynamic computing environment is remotely located from the second and third location (*Butler: col.7 lines 58-63; Nanja: col.3 lines 6-10*).

m.   **Claim 20** is substantially similar to claim 19 and is therefore rejected under the same basis.

n.   **Claim 21** is substantially similar to claims 8 and 13 and is therefore rejected under the same basis.

VI.   <u>Claims 15-17 and 22-24</u> **are rejected under 35 U.S.C. 103(a) as being unpatentable over *Butler* (US 7,136,062) in view of *Nanja* (US 7,065,637) in further view of *McNally et al* (US 6,259,448) in further view of *Ansberry et al* (US 5,887,170).**

a.   **Per claim 16,** *Butler* and *Nanja* with *McNally et al* teach the method of claim of 5 as applied above, yet fails to explicitly teach the method wherein the system is used in technical support. However, *Ansberry et al* disclose the usability of the system extended to collaborative and non-collaborative distributed computing environments where a conferencing session may be manipulated, thus the examples demonstrate technical support and teamwork situations which may also be implemented in training or usability studies (*col.7 line 66-col.8 line 31*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Butler*, *Nanja* and *McNally et al* with *Ansberry et al* for the purpose of implementing the system in training, technical support or usability studies environments since these the collaborative and cooperative nature of system would be ideal in such environments linking together users and devices across a network.

b.   **Claims 15, 17 and 22-24** are substantially similar to claim 16 and are therefore rejected under the same basis.

Conclusion

VII.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Palmer et al (6,292,166), Mairs et al (5,874,960), Pommier et al (5,870,547), Moody et al (6,859,927), Masters et al (7,096,248), Winterbottom (5,724,512), Masuoka et al (6,081,826), Fong et al (6,366,945), Suarez (5,790,789).

VIII.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
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